downloaded from a remote location. Furthermore, Fawcett does not describe

initiating a reset of the computer system from a remote location.

> To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). (Manual of Patent Examining Procedure (MPEP) ¶ 2143.03).

Culley neither teaches, suggests, nor indicates a motivation for

downloading diagnostics from a remote location as claimed in applicant's

independent claims. Instead, Culley contemplates a host/client system

management configuration in which any software necessary to perform

diagnostics are stored locally on the client computer system (i.e., the computer

system to be diagnosed). This is evident from the fact that Culley makes no

mention of either updating diagnostic software resident on the client or

interrogating the client computer system in order to ascertain what diagnostics

are necessary. Instead, the client computer system contemplated in Culley

contains fault detection circuits, which are read and interpreted by diagnostic

software.

Since the diagnostic functions that may be performed are limited by the

functions performed by hardware fault detection circuits in the contemplated

client computer system, there is no motivation in Culley to provide varying types

of diagnostic software. Therefore, there is no disclosure nor motivation

described in Culley for downloading varying versions of diagnostic software from

a remote location as claimed in applicant's independent claims.

Similarly, Fawcett neither teaches, suggests, nor indicates a motivation for

performing a reset on a remote client computer system. Fawcett discloses a

client seeking customer support by calling a customer support number over the same telephone line to which the problem computer system is connected via a modem. In this configuration, the customer support administrator may download and perform various diagnostic tests on a remote client computer system that will aid in diagnosing a problem within the remote client computer system. However, Fawcett does not teach, suggest, or indicate a motivation for establishing or maintaining control over the remote client computer system in order to perform functions such as, resetting the remote client computer system, as claimed by applicant.

Since neither Culley nor Fawcett teach, suggest, nor indicate a motivation for that which is claimed applicant's independent claims may not be said to have been obvious in view of prior art.

Furthermore, there is evidence that there was no reasonable expectation of success contemplated by one of ordinary skill in the art for performing control operations such as a reset operation from the customer support agent's host computer system via a modem connection.

The Manual of Patent Examining Procedure §2143.02 teaches:

> "Obviousness does not require absolute predictability, however, at least some degree of predictability is required. Evidence showing there was not reasonable expectation of success may support a conclusion of nonobviousness." –*Manual of Patent Examining Procedure §2143.02*

Fawcett contemplates a customer service agent downloading diagnostic software from a host computer system to a customer's computer system using a modem over standard phone lines. One of ordinary skill in the art would

appreciate that control operations, such as a reset operation, using a modem over standard phone lines would not have a reasonable chance of success due to bandwidth constraints.

Alternatively, applicant claims performing control operations, such as a reset operation, on a remote client computer system from a remote host computer system. Such host-based diagnostic and control operations are possible across computer networks as, Local Area Networks (LAN) and Wide Area Networks (WAN), but may be subject to significant performance degradations when performed using a modem across a standard telephone line. Therefore, there would have been no reasonable expectation of successfully combining Fawcett with Culley, to provide the limitations as claimed by applicant.

Claims 11 and 15 are rejected as being obvious in view of Fawcett. Claims 11 and 15 claim determining whether a remote computer is requesting a diagnostic session. However, Fawcett teaches a request made by a diagnostic interpreter to the support client to connect to the diagnostic agent. The diagnostic agent and support client are software modules on the side of the customer support computer. Fawcett does not teach a request from the customer computer to the customer service computer for a diagnostic session, as in Claims 11 and 15. The customer requests service assistance in Fawcett, but the customer's computer does not request a diagnostic session as is claimed in Claims 11 and 15. Therefore, Fawcett fails to teach or suggest all claim limitations of Claim 11 and 15 as required for a *prima facie* case for obviousness.
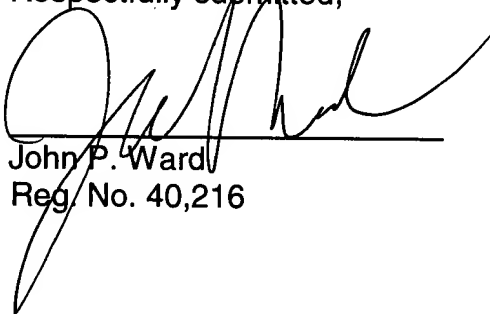
Claims 19 and 22 are rejected as being obvious in view of Culley and in

further view of Fawcett. For the reasons previously stated with regard to rejections to Claim 1, Claims 19 and 22 cannot be said to be obvious in view of Culley and in further view of Fawcett.

As to any remaining combinations formed by dependant claims and not specifically addressed, applicant does not concede that they are obvious or anticipated. Rather, rejections of these claims are overcome since at least the base combination is neither anticipated nor obvious in view of the prior art. Consequently, applicants submit that there also can be no motivation shown in the art to form the additionally limited combination claimed in such dependent claims since the prior art does not anticipate or make obvious the base combination.

Applicants submit that all claims now pending are in condition for allowance. Such action is earnestly solicited at the earliest possible date. If there is a deficiency in fees, please charge our Deposit Acct. No. 02-2666.

Respectfully submitted,

Date: February 7, 2001

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